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ABSTRACT

Designed for middle school through high school students, this unit contains eight lesson plans that focus on California state law. The state lessons correspond to lessons in the volume, "Antidote: Civic Responsibility. Drug Avoidance Lessons for Middle School & High School Students." Developed to be presented by educators, law student, or attorneys, the state lessons are interactive and sequential, although individual lessons can stand alone. The document includes legal information about driving while intoxicated, drug offenses, sentencing, and drug and alcohol statutes written specifically to combat juvenile abuse. (RJC)

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ED 382 517

Antidote: Civic Responsibility

California Law

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SO 025 024

Lesson 1

1. **Has Aimee violated any State laws? Have her parents?**

   While giving her baby sister aspirin is dangerous, particularly without adult supervision, Aimee is not likely to be charged under any child endangerment statutes because she is probably unaware of the risk of Reye's syndrome. Her parents, however, may be charged with child neglect and even child abuse. If they habitually leave 10-year-old Aimee alone to care for two-year-old Carrie, the situation may be considered child endangerment under Cal. Penal Code § 273a. If the baby is seriously ill, the parents may be guilty of failure to provide necessary medical attention under Cal. Penal Code § 270.

2. **Does California state law allow Tyrell, age 17, to drink a glass of wine with his dinner without his parents' consent?**

   Cal. Bus. & Prof. Code § 25658(b) prohibits consumption by anyone under age 21 of any alcoholic beverage in any on-sale premises. Cal. Bus. & Prof. Code § 25662 prohibits possession of any alcoholic beverage by any person under age 21 on any street or highway, in any public place or in any place open to the public. There is, however, no specific law regarding home consumption or parental consent. Since Tyrell's consumption of the wine could under some circumstances be construed as contributing to the delinquency of a minor under Cal. Penal Code § 272, Tyrell should discuss the matter with his parents before drinking any alcoholic beverage.

3. **Is Maria violating any State law when she tells her roommates whom to call to buy marijuana?**

   Maria may be liable as a conspirator in the sale of marijuana under Cal. Health & Safety Code § 11360 if by telling her roommates where to buy drugs she is knowingly participating in a general plan to place drugs in the hands of ultimate users. People v. Morales (1968) 69 Cal. Rptr. 402, 263 Cal. App.2d 368, cert. denied 89 S.Ct. 907, 393 U.S. 1104, 21 L.Ed.2d 798.

4. **Have Adam and Alex broken any laws other than those against drinking and fighting?**

   Yes. Adam and Alex may be charged with public disorderly conduct, a misdemeanor, under Cal. Penal Code § 647. More seriously, they may also be charged with involuntary manslaughter. California defines manslaughter as "the unlawful killing of a human being without malice" (Cal. Penal Code § 192) and recognizes three kinds of manslaughter: voluntary, upon a sudden quarrel or heat of passion; involuntary, in the commission of an unlawful act not amounting to a felony, and with gross negligence; and Vehicular.

The twins' public disorderly conduct in engaging in a drunken brawl constitutes a misdemeanor so that Joe's death may be classified as involuntary manslaughter. In addition, fighting near traffic may be considered gross negligence. Their intoxicated condition is no excuse for the accident; Cal. Penal Code § 22 states: "No act committed by a person while in a state of voluntary intoxication is less criminal by reason of his having been in such condition."

The twins' parents may also be liable to pay damages for Joe's death under Cal. Civ. Code § 1714.1 (a), which provides: "Any act of willful misconduct of a minor which results in injury or death to another person...shall be imputed to the parent or guardian having custody and control of the minor for all purposes of civil damages, and the parent or guardian having custody and control shall be jointly and severally liable with the minor for any damages resulting from the willful misconduct."

5. **Has Jose violated any State law even though he is not drinking? Has Carlos or TJ violated any State law?**

Unless Carlos is a relative or is designated by Jose's parents to accompany him, Jose is breaking the law under Cal. Vehicle Code § 23224 just by transporting alcoholic beverages in his car. This section states: "No person under the age of 21 years shall knowingly drive any motor vehicle carrying any alcoholic beverage, unless the person is accompanied by a parent, responsible adult relative, any other adult designated by the parent, or legal guardian for the purpose of transportation of an alcoholic beverage...." In addition, Cal. Bus. & Prof. Code § 25662, any minor "who has any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public, is guilty of a misdemeanor."

As for his companions, TJ, who is also a minor, is guilty of a misdemeanor under Cal. Bus. & Prof. Code § 25662 for possessing alcoholic beverages on a street or highway or in a public place. Carlos, as an adult, may be guilty under Cal. Penal Code § 272 of contributing to the delinquency of a minor by causing or encouraging Jose to break the law.

6. **Is Dr. Melrose committing any violation by prescribing painkillers without conducting an examination or determining need?**

Dr. Melrose is violating not only several state but federal laws. Under Cal. Bus. & Prof. Code § 2242, "Prescribing, dispensing or furnishing dangerous drugs...without a good faith prior examination and medical indication therefor, constitutes unprofessional conduct." If Dr. Melrose habitually prescribes drugs without examination, he may be violating Cal. Bus. & Prof. Code § 725, which prohibits, among other things, repeated acts of clearly excessive

prescribing or administering of drugs. Cal. Health & Safety Code § 11154 states that, except in the course of the regular practice of his or her profession, no person shall knowingly prescribe a controlled substance for any person not under his or her treatment. Section 11153 of the same code states that a prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner in the usual course of his or her professional practice; the practitioner bears responsibility for the proper prescribing of the drug. Under U.S. law 21 U.S.C.S. § 829, a physician must have a legitimate medical purpose for dispensing drugs, and the act of dispensing or prescribing drugs should be within the usual course of professional practice. U.S. v. Varma, 691 F.2d 460; U.S. v. Jamieson, 605 F.Supp. 119. If Dr. Melrose is found to have violated federal statutes regarding controlled substances, he could also be liable under Cal. Bus. & Prof. Code §§ 2237 and 2238.

Dr. Melrose's patients, if they do not provide to him a bona fide reason for needing the painkillers, may also be breaking the law. Cal. Health & Safety Code § 11154 provides that "no person shall knowingly solicit, direct, aid, /or encourage a practitioner authorized to write a prescription to unlawfully prescribe...a controlled substance." In addition, Cal. Health & Safety Code § 11173 prohibits obtaining or attempting to obtain controlled substances or prescription for controlled substances by fraud, misrepresentation, subterfuge, or the concealment of a material fact. Similarly, federal law under 21 U.S.C.A. § 843 prohibits knowingly or unknowingly acquiring possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge. Asking for medication without an examination could be considered misrepresentation, subterfuge or concealing a material fact.

7. **Is Danielle violating any law by taking only one or two pills from someone else's prescription?**

Danielle is violating several state and federal laws. First, she has committed theft. The seriousness of the charge depends on the value of the goods taken. Under Cal. Pen Code § 487, grand theft is defined as theft of property valued at more than $400. The code also states that "where property is taken by a servant, agent or employee from his principal or employer, and aggregates four hundred dollars or more in any 12 consecutive month period, then that shall constitute grand theft." If Danielle has been taking pills from her deliveries over a period of 12 months and the aggregate value of the pills is over $400, she is has committed a felony.

By taking prescription drugs, possibly including controlled substances, Danielle is also violating several drug-control statutes, including Cal. Bus. & Prof. Code § 4230, prohibiting possession of any controlled substance without a prescription. Since she is in effect dispensing prescription drugs to herself, she is violating U.S. law under 21 U.S.C.A. § 829,

which prohibits dispensing any controlled substance which is a prescription drug without the written prescription of a practitioner. She is also violating 21 U.S.C.A. § 843, which prohibits knowingly or unknowingly acquiring possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge, and 21 U.S.C.A. § 844, which prohibits simple possession of a controlled substance unless such substance was obtained by prescription. The seriousness of her crime under these drug control codes will depend on the type of drug which she is taking from the customer's prescription and how she uses it.

8. **Is Renee breaking state law even though she is not selling the drugs herself?**

Even though she is not selling the drugs directly, Renee is violating several state laws. Depending on the type of drug she is dealing, she may be violating: Cal. Bus. & Prof. Code § 4230, prohibiting possession of any controlled substance except under prescription; Cal. Health & Safety Code § 11350, prohibiting possession of designated controlled substances; Cal. Health & Safety Code § 11351, prohibiting possession for purposes of sale of designated controlled substances; Cal. Health & Safety Code §§ 11352 and 11360, prohibiting the transportation, sale, giving away, furnishing, or administering designated controlled substances and marijuana.

Her use of her daughter in drug trafficking is a serious act punishable under several statutes: under Cal. Bus. & Prof. Code § 4234, for knowingly or willfully using a minor as an agent, with respect to dangerous drugs, a felony; and under Cal. Health & Safety Code § 11353, for soliciting, inducing, encouraging or intimidating a minor with the intent that the minor shall violate specified drug-control statutes. Additionally, her actions constitute contributing to the delinquency of a minor under Cal. Penal Code § 272. If she sends her daughter to meet with dealers, she may be guilty under Cal. Penal Code § 273(a) of sending her daughter to immoral places. Her actions will likely cause her to lose custody of her daughter under California child abuse statutes. Considering that she is subjecting the child to the risk of physical harm, the child becomes subject to the jurisdiction of the court under Cal. Welf. & Inst. Code § 300; this allows the police or any other officer of the court to take temporary custody of the child without a warrant under Cal. Welf. & Inst. Code § 305 and for the child to receive social services under Cal. Welf. & Inst. Code § 328. Renee's actions meet the definition of child abuse in Cal. Penal Code § 11165.5 and Cal. Fam. Code § 55 and of severe neglect in Cal. Penal Code § 11165.2; they also constitute willful cruelty and child endangerment under Cal. Penal Code §§ 11165.3 and 273(a). She could be charged with felony offenses under some of these sections.

Renee is also violating federal drug-control statutes such as 21 U.S.C.A. § 841, prohibiting possession of a controlled substance with the intent to manufacture, distribute or dispense such substance, and 21 U.S.C.A. § 844, prohibiting simple possession of a controlled substance.

In addition, Renee could receive heavier sentencing under federal statutes. Under 21 U.S.C.A. § 859, the distribution of a controlled substance to a person under 21 years of age is subject to increased penalties. The United States expressed its concern with the importance of protecting children from drug trafficking under 21 U.S.C.A. § 860, which imposes heavier prison sentences in cases involving the distribution or manufacture of controlled substances in the proximity of schools, playgrounds, or youth centers. 18 U.S.C.A. App. 4 § 3B1.3 also provides for increased sentences in cases of abuse of position of trust, as in a drug trafficking defendant's involvement of her young daughter in the drug trade. U.S. v. Ledesma, C.A.11 (Ga.) 1992, 979 F.2d 816.

9. **Did Jim violate any law other than those regarding controlled substances?**

Jim is guilty under Cal. Penal Code § 222 of administering drugs with the intent to commit a felony. This section provides: "Every person guilty of administering to another...any controlled substance, anaesthetic, or intoxicating agent, with intent thereby to enable or assist himself or herself or any other person to commit a felony, is guilty of a felony." Their heroin use is a felony under federal drug-control statutes 21 U.S.C.A. § 841, prohibiting possession of a controlled substance with the intent to manufacture, distribute or dispense such substance, and 21 U.S.C.A. § 844, prohibiting simple possession of a controlled substance.

In helping Jim shoot up, Andre has committed the same felony under Cal. Penal Code § 222. Because Jim died as a consequence of the overdose, however, Andre may be charged with second-degree murder under Cal. Penal Code § 189; to constitute second-degree murder, "there must be evidence of an unpremeditated killing of a human being with malice or evidence of a homicide that is a direct causal result of the commission of a felony inherently dangerous to human life...." People v. Wong, (1973) 111 Cal. Rptr. 314, 35 C.A.3d 812.

10. **Has the bartender or the owner at Bulldog's Bar and Grill violated any law?**

Given Su's obviously drunken behavior, both the bartender and the owner may be liable under Cal. Bus. & Prof. Code § 25602(a), which provides: "Every person who sells, furnishes, or gives, any alcoholic beverage to any habitual or common drunkard or to any obviously intoxicated person is guilty of a misdemeanor." However, § 25602(b) explains that the bartender and the owner "shall not be civilly liable to any injured person for injuries inflicted as a result of intoxication by the consumer."

Lesson 2

CRIMINAL JUSTICE STATISTICS:
DRUG AND ALCOHOL RELATED OFFENSES
UNIFORM CRIME REPORT DATA OF 1990--CRIME IN THE UNITED STATES

According to the Uniform Crime Report of 1990, 68% of the drug abuse violators were arrested for possession of heroin, cocaine or a narcotic derivative. A little over 31% of drug arrests were for the sale and manufacture of drugs.

Out of the 14,195,100 total number of arrests that occurred in 1990, drug abuse violations accounted for 1,089,500, driving under the influence comprised 1,810,800, and liquor law violations represented 714,700 of the total.

1981-1990 Ten Year Trend

Arrests for Drug Abuse Violations

In 1981, the total number of arrests for drug abusers under the age of 18 was 69,383. On the other hand in 1990, the total number was 50,435. This represents a 27.3% **decrease** in the number of arrests for persons under the age of 18. However, the number of arrests for persons over the age of 18 represent an 89.9% **increase** from 332,733 in 1981 to 631,932 in 1990.

Liquor Law Violations

For persons over the age of 18, the number of arrests for liquor law violations have dramatically **increased** to 61% from 218,079 in 1981 to 351,064 in 1990. However, the number of arrests for persons under the age of 18 has decreased to less than 0.4%.

♦ ♦ ♦

Criminal Victimization in the United States, 1990
A National Crime Victimization Survey Report, February, 1992

Percent Distribution of Victimizations by Perceived Drug or Alcohol Use by Offender:

- Of the **130,260** total rapes reported by victims to police, **49.8%** were believed to be committed by someone under the influence of drugs or alcohol.
- Of a total of **1,149,710** reported robberies, **24.2%** involved an offender under the influence of drugs or alcohol.
- Of **1,600,760** aggravated assaults committed **40%** were committed by people under the influence of drugs.
- Of the **3,128,130** simple assaults reported, **32.9%** were perpetrated by someone perceived to be under the influence of drugs or alcohol.

Lesson 4

FEDERAL SCHEDULE (answers to handout 3)

DRUG	SCHEDULE
heroin	schedule 1
beer	not a scheduled drug
vodka	not a scheduled drug
nitrate	not a scheduled drug
amphetamines	schedule 3
caffeine	not a scheduled drug
marijuana	schedule 1
crack	schedule 2
scotch	not a scheduled drug
MSG	not a scheduled drug
cocaine	schedule 2
glue	not a scheduled drug

FEDERAL PENALTIES BY SCHEDULE FOR POSSESSION

SCHEDULE	MAX. PRISON	MAX. FINE	MAX. TOTAL
schedule 1	15 years	$25,000	15yrs + $25,000
schedule 2	15 years	$25,000	15yrs + $25,000
schedule 3	5 years	$15,000	5yrs + $15,000
schedule 4	3 years	$10,000	3yrs + $10,000
schedule 5	1 year	$ 5,000	1yr + $ 5,000
unscheduled drug	n/a	n/a	n/a

The penalty doubles if the defendant has a previous conviction for a schedule law violation.

In order for a drug to be a narcotic, it must be a derivative of opium. All narcotics contain opium or opium derivatives, ie: heroin.

Malt beverages such as beer are not included in the scheduling process. They are controlled by liquor laws.

Information from 21 U.S.C.A. § 841 (West 1981).

States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Alabama	sch 1	sch 2	sch 2	sch 1	sch 3
Alaska	sch 1A	sch 2A	sch 2A	sch 3A	sch 4A
Arizona	sch 1	sch 2	sch 2	sch 1	sch 2
Arkansas	sch 1	sch 2	sch 2	sch 1	not listed
California	sch 1	sch 2	sch 2	sch 1	sch 2
Colorado	sch 1	sch 2	sch 2	sch 1	sch 2
Connecticut	sch 1	sch 2	sch 2	sch 1	sch 3
Delaware	sch 1	sch 2	sch 2	sch 1	sch 2
D.C.	sch 1	sch 2	sch 2	sch 2	sch 2
Florida	sch 1	sch 2	sch 2	sch 1	sch 2
Georgia	sch 1	sch 2	sch 2	sch 1[1]	sch 2
Hawaii	sch 1	sch 2	sch 2	sch 1	sch 2
Idaho	sch 1	sch 2	sch 2	sch 1	sch 2
Illinois	sch 1	sch 2	sch 2	listed under its act: the Cannabis Control Act, 56 1/2 §701 et seq	sch 2
Indiana	sch 1	sch 2	sch 2	sch 1	sch 2
Iowa	sch 1	sch 2	sch 2	sch 1	sch 2
Kansas	sch 1	sch 2	sch 2	sch 1	sch 1
Kentucky	sch 1	sch 2	sch 2	sch 1	sch 2
Louisiana	sch 1	sch 2	sch 2	sch 1	sch 2
Maine[2]	sch W	sch W	sch W	sch W & Z	sch W
Maryland	sch 1	sch 2	sch 2	sch 1	sch 1
Massachusetts[3]	class A	class B	class B	class D	class B
Michigan	sch 1	sch 2	sch 2	sch 1	sch 2
Minnesota	sch 1	sch 2	sch 2	sch 1	sch 2
Mississippi	sch 1	sch 2	sch 2	sch 1	sch 2
Missouri	sch 1	sch 2	sch 2	sch 1	sch 2
Montana	sch 1	sch 2	sch 2	sch 1	sch 2

[1] Must have more than 15% THC (tetrahydrocannobinol), the chemical in the cannabis plant.

[2] Maine schedules its drugs under an alphabetical category: W, X, Y & Z. The schedules are similar to other state categorizations.

[3] Massachusetts calls their schedules classes, but they are the same thing.

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States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Nebraska	sch 1	sch 2	sch 2	sch 1	sch 2
Nevada[4]	sch 1	sch 2	sch 2	sch 1	sch 3
New Hampshire	sch 1	sch 2	sch 2	sch 1	sch 3
New Jersey	sch 1	sch 2	sch 2	sch 1	sch 3
New Mexico	sch 1	sch 2	sch 2	sch 1 & 2	sch 2
New York	sch 1	sch 2	sch 2	sch 1	sch 2
North Carolina	sch 1	sch 2	sch 2	NC has a sixth schedule which incl. marijuana	sch 2
North Dakota	sch 1	sch 2	sch 2	sch 1	sch 2
Ohio	sch 1	sch 2	sch 2	sch 1	sch 2
Oklahoma	sch 1	sch 2	sch 2	sch 1	sch 2
Pennsylvania	sch 1	sch 2	sch 2	sch 1	sch 2
Puerto Rico	sch 1	sch 2	sch 2	sch 1	sch 3
Rhode Island	sch 1	sch 2	sch 2	sch 1	sch 2
South Carolina	sch 1	sch 2	sch 2	sch 1	sch 2
South Dakota	sch 1	sch 2	sch 2	sch 1	sch 2
Tennessee	sch 1	sch 2	sch 2	sch 2, but only for certified patients under the Controlled Substances Therapeutic Research Act	sch 2
Texas	sch 1	sch 2	sch 2	sch 1	sch 2
Utah	sch 1	sch 2	sch 2	sch 1	sch 2
Vermont	sch 1	sch 2	sch 2	sch 1	sch 3
Virginia	sch 1	sch 2	sch 2	not listed, but liquid marijuana or hashish oil is listed as sch 1	sch 2
Washington	sch 1	sch 2	sch 2	sch 1	sch 2
West Virginia	sch 1	sch 2	sch 2	sch 1	sch 2
Wisconsin	sch 1	sch 2	sch 2	sch 1	sch 2

[4] While Nevada does not specifically name drugs under its five schedules, but instead lists the specific tests to determine under which schedule a drug belongs § 453.2182 says that the state will use 21 USC as a guide for scheduling. The state merely reserves the right to reschedule any controlled substance as it sees fit according to the tests set out in 453.166, et. seq.

States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Wyoming	sch 1	sch 2	sch 2	sch 1	sch 2

OFFENSE/SUBSTANCE	SENTENCE
First Offense: Cocaine - Possession With Intent To Distribute - 5 kg	• imprisonment for 3 to 9 years plus additional term of 5 years (§ 11370.4), and • fine up to $1,000,000
First Offense: Trace of Heroin - Possession of 1 kg or more of a mixture with a small, but detectable amount of heroin	• imprisonment for 3 to 9 years, and • fine up to $20,000
First Offense: Codeine - Possession - 200 mg	• fine of at least $1000, or • community service
Second Offense: Marijuana - Possession - 50 kg	• imprisonment for up to 6 months, and/or • fine up to $500
Third Offense - Methamphetamine - Possession - 100 g	• imprisonment for 3 to 9 years, and • fine up to $20,000

Cite: Cal. Health & Saf. Code § 111350

Current Federal Penalties:

Group 1 and Group 2: . . . person shall be sentenced to prison which may not be less than 10 years or more than life and a fine not to exceed 4 million dollars.

Group 3: . . . person shall be sentenced to a term of imprisonment of not more than one year, a fine not exceed $250,000 in the case of an individual.

Group 4: . . . person shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed $500,000.

Group 5: . . . person shall be sentenced mandatory life imprisonment without release and fine not to exceed $8 million.

Cite: 21 U.S.C. § 841 (1992).

Lesson 6 & 7

1. **What does DWI stand for?**

Driving while intoxicated.

2. **What does DUI stand for?**

Driving under the influence of alcohol.

3. **In terms of penalties, is being convicted of DWI more serious than being convicted of DUI?**

California law does not distinguish in degree of penalties between DUI and DWI. For individuals 18 and over, section 23152(a) prohibits driving under the influence of alcohol. Section 23152(b) makes it illegal to drive with a blood alcohol content BAC) of 0.08. These are two distinct offense. A person is in violation of section 23152(b) even if s/he can operate a vehicle with the same caution as a sober person, if his/her BAC is 0.08. Section (a) does not deal with BAC. The section is violated if one is capable of operating a motor vehicle safely because of alcohol regardless of BAC.

Section 23140(a) deals with those under 18. It is unlawful for a person under the age of 18 to operate a vehicle with a BAC of 0.05. This section can be violated regardless of whether a breath test was taken. Thus, if it appears that one who is under 18 is intoxicated while driving this section may be violated absent any breath test.

4. **What are the penalties for being convicted of DWI? DUI?**

CONVICTION	PUNISHMENT
Section 23140: applicable to individuals under 21, but over 13 - first offense	• privilege to drive suspended for one year if individual has license; individual without privilege to drive will have privilege withheld for one year after eligible to drive, and • must attend alcohol education program.
subsequent offenses	• court can suspend/delay driving privileges for an additional year.

5. **What is the penalty for refusing to submit to a breathalyzer test upon a police officer's reasonable request?**

Under section 23157 any person who drives on California highways by driving on the roadways of California gives his/her consent to a chemical test of his/her blood, breath, or urine to determine Blood Alcohol Content (BAC). Because driving is a privilege, refusal to take the test will result in a fine, imprisonment and/or loss one's privilege to drive for 1 year. If one has previous refusals, the penalty increases to a loss of driving privileges for 2 or 3 years.

6. **What must a person's blood alcohol content (BAC) be before he/she is legally intoxicated?**

Section 23152 states that it is unlawful for any person to drive a vehicle with a BAC of 0.08. Section 23140 states that it is unlawful for a person under 18 to drive a vehicle with a BAC of 0.05.

7. **The legal limit for blood alcohol content is lower for persons under the legal drinking age of 21. True or False?**

True. See answers to questions 3 and 6 above.

8. **An open container of alcohol can be in your car if you are 21 or over. True or False?**

False. Section 23222 states that no person shall have in his/her possession or on his/her person any alcoholic beverage receptacle which has been opened while driving a motor vehicle.

Section 23223 states that it is unlawful for any person to have in his/her possession or on his/her person any alcoholic beverage container which has been opened while in a motor vehicle.

Section 23226 states that no person may store any receptacle containing an alcoholic beverage that has been opened in the passenger compartment of a motor vehicle while it is on any highway. This applies to glove compartments, but not to the living quarters of a house car or camper.

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Lesson 9

Although the drinking age is 21 in all 50 states (meaning specifically that the sale of alcohol to minors is prohibited), the laws on teenage drinking vary from state to state. The laws vary in regard to whether they include prohibition of the purchase of alcohol, the attempt to purchase alcohol, the consumption of alcohol and the possession of alcohol. According to the March 11, 1993 Safety Recommendation report of the National Transportation Safety Board,

- Five states (DE, FL, MT, NH & NY) and the District of Columbia do not prohibit the purchase of alcohol by minors.
- West Virginia and the District of Columbia do not prohibit public possession of alcohol by minors.
- 23 states (AK, AR, DE, DC, FL, GA, RI, IL, IA, LA, ME, MD, MI, MS, MT, NV, NH, NY, SC, TX, UT, VT, VA) do not prohibit minors from attempting to purchase alcohol.
- 21 states (AR, CO, CT, FL, GA, HI, IA, KY, LA, MA, MS, MO, NE, NH, NM, NC, OR, SC, VT, WV, WY) do not prohibit alcohol consumption by minors.
- 16 states (AR, CA, CO, HI, KY, LA, ME, MI, NM, NY, NC, OK, SD, VA, WA, WY) do not prohibit minors from misrepresenting their age in order to purchase alcohol.
- 19 states (AL, AR, CO, DE, DC, IA, KS, LA, MD, MN, MT, NJ, OR, PA, SC, UT, VA, WA, WI) do not prohibit minors from presenting false ID to purchase alcohol.

In addition, most states do no prohibit minors from driving with alcohol in their blood unless their blood alcohol content reaches the adult legal limit, which is .10 percent in most states. Fifteen states, however, have amended their laws to lower for minors the permitted blood alcohol content while driving. These laws vary according to the age under which minors must be in order for the lower blood alcohol content to apply. Here is the layout for state laws on blood alcohol content for minors while driving:

0.00 BAC	0.01 BAC	0.02 BAC	0.04 BAC	0.05 BAC	0.06 BAC
AZ (<21)	NJ (<21)	ME (<21)	RI (<21)	CA (<18)	GA (<18)
NC (<19)		MD (<21)	NH (<21)	NM (<18)	
OR (<21)		OH (<18)			
UT (<21)		VT (<18)			
WI (<18)					

A number of states have tried to cut down on teenage driving accidents by implementing nighttime driving restrictions. The following states have some form of curfew for teenage driving:

ID: minors <16 can drive during the daytime only
IL: minors <17 cannot drive between 11pm-6am Mon-Thur and 12am-6am Fri-Sun
LA: minors <15 cannot drive between 11pm-6am Mon-Thur and 12am:6am Fri-Sun
MD: minors <16 cannot drive between 12am-5am
MA: minors <18 cannot drive between 1am-4am
NY: minors <18 cannot drive between 9pm-5am
PA: minors <18 cannot drive between 12am-5am
SD: minors <16 cannot drive between 8pm-6am.